

8266-0371

Adjustable Standard. Cohen includes a clamping unit 28 including a lock ring 50, an opening 42, and an actuating member 44 that extends within the opening to position the lock ring 50.

1. Claim 9

Claim 9 has been amended to depend from claim 1. Before a previous amendment, claim 9 depended from claim 1. Claim 9 has been put back in its original form. Claim 9 is believed to be allowable, such allowance is respectfully requested.

2. Claims 38-42

Claims 38-42 depend from claim 9. Because claim 9 is believed to be allowable, claims 38-42 are also believed to be allowable. Additionally, claims 38-42 are believed to contain independently patentable features.

3. Claim 10

Amended claim 10 requires and Cohen fails to teach "a release including an adjustment pole-receiving bore therein." The release 44 of Cohen is a solid rod that has no bores or apertures therein. Therefore, claim 10 is believed to be allowable and such allowance is respectfully requested.

4. Claims 11-19, 43-44, and 47-49

Claims 11-19, 43-44, and 47-49 depend from claim 10. Because claim 10 is believed to be allowable, claims 11-19, 43-44, and 47-49 are also believed to be allowable. Additionally, claims 11-19, 43-44, and 47-49 are believed to contain independently patentable features.

5. Claim 20

Amended claim 20 requires and Cohen fails to teach “the release providing a wall of the housing.” The release 44 of Cohen is a solid rod that extends within opening 42. Therefore, claim 20 is believed to be allowable and such allowance is respectfully requested.

6. Claims 21 and 24

Claims 21 and 24 depend from claim 20. Because claim 20 is believed to be allowable, claims 21 and 24 are also believed to be allowable. Additionally, claims 21 and 24 are believed to contain independently patentable features.

B. U.S. Patent Re. 24,290

Claims 25-30 and 53 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. Re. 24,290 to MacKnight (hereinafter “MacKnight”). MacKnight relates to a Adjustable Seat Assembly. MacKnight includes a housing including a locking plate 51, a spring 57 to bias the locking plate 51, and a lever 61.

1. Claim 25

Claim 25 requires “a spring contacting the release and urging the release to the second position.” As shown in Fig. 1 of MacKnight, the lever 61 contacts the underside of locking plate 51. Spring 57 contacts the topside of locking plate 51. Spring 57, however, does not contact lever 61. MacKnight therefore teaches the spring 57 urging the locking plate 51 instead of the spring 57 urging the lever 61 as required by claim 25. Therefore, claim 25 is believed to be allowable and such allowance is respectfully requested.

2. Claims 26 and 28-29

Claims 26 and 28-29 depend from claim 25. Because claim 25 is believed to be allowable, claims 26 and 28-29 are also believed to be allowable. Additionally, claims 26 and 28-29 are believed to contain independently patentable features.

3. Claim 27

In the Official Action of November 5, 2002, the Examiner states:

“[T]he housing has a groove (between 53 and 55)”

Amended claim 27 requires “the housing including a groove defined in a wall of the housing.” Shoulder 53 and flange 55 of MacKnight are a shoulder and a flange of a piece of sheet metal that is welded to the lower part of the housing 45. Therefore, the Examiner’s proposed groove is not included in the housing, is not defined in the housing, and is not integral with the housing. Therefore, MacKnight fails to teach “the housing including a groove defined in a wall of the housing,” as required by claim 27. Claim 27 is believed to be allowable and such allowance is respectfully requested.

4. Claim 53

Claim 53 depends from claim 27. Because claim 27 is believed to be allowable, claim 53 is also believed to be allowable. Additionally, claim 53 is believed to contain independently patentable features.

5. Claim 30

In the Official Action of November 5, 2002, the Examiner states:

“[T]he release has a notch (the corner space of the L-shaped lower portion of release 59 constitute the notch)”

Claim 30 requires "the release including a notch sized to receive an end of the lock member." A notch is defined as "A hollow cut in anything; a nick; an indentation."

Webster's Revised Unabridged Dictionary, © 1996, 1998 The "corner space of the L-shaped lower portion," does not form a notch. Therefore, MacKnight fails to teach "the release including a notch sized to receive an end of the lock member," as required by claim 30.

Claim 30 is believed to be allowable and such allowance is respectfully requested.

C. U.S. Patents 3,588,023 and 4,629,074

Claims 31-37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cohen in view of U.S. Patent No. 4,629,074 to Toder (hereinafter "Toder").

1. Claim 31

Claim 31 requires "a release configured to slide on the coupling." In the present invention, release 56 slides on an outer surface of housing 54. As shown in Figs. 2 and 3 of Cohen, the actuating member 44 moves within opening 42. Actuating member 44, however, does not slide on the collar 30. Therefore, the proposed combination fails to teach "a release configured to slide on the coupling," as required by claim 31. Claim 31 is believed to be allowable and such allowance is respectfully requested.

2. Claims 32-37

Claims 32-37 depend from claim 31. Because claim 31 is believed to be allowable, claims 32-37 are also believed to be allowable. Additionally, claims 32-37 are believed to contain independently patentable features.

D. U.S. Patents Re. 24,290 and 4,629,074

Claims 55-57 were rejected under 35 U.S.C. §103(a) as being unpatentable over MacKnight in view of Toder.

8266-0371

I. Claim 55-57

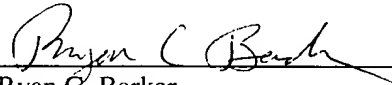
Claims 55-57 depend from claim 30. Because claim 30 is believed to be allowable, claims 55-57 are also believed to be allowable. Additionally, claims 55-57 are believed to contain independently patentable features.

Final Remarks

Applicants believe this application is in condition for allowance in its present form and it is respectfully requested that the Examiner so find and issue a Notice of Allowance in due course. The Examiner is asked to call Applicants' attorney, Ryan C. Barker, at (317) 684-5295 to address any outstanding issues to further expedite the prosecution of this application for all parties.

If necessary, Applicants request that this Response be considered a request for an extension of time for a time appropriate for the response to be timely filed. Applicants request that any required fees needed beyond those submitted with this Response be charged to the account of Bose McKinney & Evans, Deposit Account Number 02-3223.

Respectfully submitted,



Ryan C. Barker
Registration No. 47,405

RCB
2700 First Indiana Plaza
135 North Pennsylvania Street
Indianapolis, Indiana 46204
(317) 684-5251
416152

Attachment A

9. (Three Times Amended) [A medical device support apparatus comprising
a telescoping pole assembly including a first member and a second member
movable relative to the first member along an axis in a first direction and a second direction
opposite to the first direction, and

a lock member formed to include an edge defining an aperture, the second
member being received in the aperture, the lock member having a second position in which
the edge engages the second member to prevent movement of the second member relative to
the first member in the first direction, movement in the first direction causing the pole
assembly to shorten,] The medical device support of claim 1, wherein the lock member,
when in the second position [the lock member being configured to allow], allows movement
of the second member relative to the first member in the second direction[, the lock member
having a first position in which the edge disengages from the second member so that the
second member is movable along the axis relative to the first member in the first direction
and the second direction, the movement in the second direction causing the pole assembly to
elongate].

10. (Twice Amended) A medical device support assembly configured to
support a medical device thereon, the medical device support assembly comprising
a base pole,
an adjustment pole configured to support the medical device thereon, [and]
a lock member coupling the adjustment pole to the base pole, and
a release including an adjustment pole-receiving bore therein, the lock
member being moveable between a first position permitting movement of the adjustment pole
relative to the base pole to permit shortening and lengthening the support assembly and a
second position preventing shortening of the support assembly and permitting lengthening of
the support assembly, the lock member being substantially flat to define a plane.

12. (Three Times Amended) [A medical device support assembly configured to support a medical device thereon, the medical device support assembly comprising

a base pole,

an adjustment pole configured to support the medical device thereon, and

a lock member coupling the adjustment pole to the base pole, the lock member being moveable between a first position permitting movement of the adjustment pole relative to the base pole and a second position locking the position of the adjustment pole relative to the base pole, the lock member being substantially flat to define a plane, the lock member being configured such that] The medical device support assembly of claim 10, wherein a force exerted on the adjustment pole in a second direction urges the lock member to the first position[, and the force exerted on the adjustment pole in the second direction urges the lengthening of the assembly].

15. (Amended) The medical device support assembly of claim 10, [further comprising a] wherein the release is coupled to the lock member and is movable between first and second positions, [wherein] the release, when in the first position, positions the lock member in the first position and the release, when in the second position, positions the lock member in the second position.

20. (Twice Amended) A medical device support assembly configured to support a medical device thereon, the medical device support assembly comprising

a base pole,

an adjustment pole configured to support the medical device thereon, the adjustment pole having a longitudinal axis, and

a [coupling] housing configured to couple the adjustment pole to the base pole, the [coupling] housing including a lock member and a release, the lock member configured to move between first and second positions, [the lock member, when in the first position, and the longitudinal axis defining a first angle therebetween, the lock member, when in the second position, and the longitudinal axis of the adjustment pole defining a second angle therebetween that deviates from the first angle,] the lock member being configured to permit movement of the adjustment pole relative to the base pole with the lock member in the first position, the lock member being configured to block movement of the

8266-0371

adjustment pole relative to the base pole with the lock member in the second position[, the lock member being configured to move from the second position to the first position when an assembly lengthening force is applied to the adjustment pole], the release providing a wall of the housing.

27. (Three Times Amended) A medical device support assembly configured to support a medical device thereon, the medical device support assembly comprising

a base pole,

an adjustment pole configured to move relative to the base pole, the adjustment pole having a longitudinal axis,

a lock member positioned to block relative movement of the adjustment pole and the base pole, and

a housing sized to receive the lock member, the lock member being hingedly coupled to the housing, the lock member being configured to pivot about a pivot axis between a first position [blocking] permitting the relative movement and a second position [permitting] blocking the relative movement, the pivot axis deviating from the longitudinal axis of the adjustment pole, the housing including a groove defined in a wall of the housing, the groove sized to receive an end of the lock member.